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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,852	02/05/2004	Ernst Studhalter	16664	6537
50659	7590	03/23/2006	EXAMINER	
BUTZEL LONG DOCKETING DEPARTMENT 100 BLOOMFIELD HILLS PARKWAY SUITE 200 BLOOMFIELD HILLS, MI 48304			MATTHEWS, TERRELL HOWARD	
			ART UNIT	PAPER NUMBER
			3654	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/772,852	Applicant(s) STUDHALTER, ERNST	
	Examiner Terrell H. Matthews	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 1-9 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zappa (2352754) in view of Ketonen (6539673).

Referring to claims 1,3-5. Zappa discloses a "Smoke Seal Element For Lift Doors" as claimed. See Figs. 1-4 and respective portions of the specification. Zappa further discloses an elevator shaft closure for a telescopic door (34,36) having at least one door leaf and door frame, a closing edge region being formed in a closed state by the at least one door leaf and a closing edge of the door frame (See Fig. 2), comprising; a first door frame part (38) and a second door frame part (40) cooperating to form the closing edge of the door frame, the first and second door frame parts adapted to be attached to a building at an elevator door opening (See Pg 2 – Pg 4); and a thermally separable material (Pg. 3 ¶ 2) connecting the first door frame part to the second door frame part. Zappa does not disclose whereby the thermally separable material releases the first door frame part from the second door frame part and the first door frame part changes position relative to the second door frame part under predetermined thermal

stress. It is broadly construed and generally noted that as a result of the first and second door frame parts being connected by thermally separable material that the first or second door frame part would separate and change position relative to a second door frame part. Harkins discloses "Fire-Resistant Wood Assemblies For Buildings" as claimed. See Figs. 1-6 and respective portions of the specification. Harkins further discloses doors (16,18), door jambs (32,34), smoke seal strip (120), fire resistant core (166), and a strip of intumescent material (200) (See Figs. 1-3). Harkins further discloses that the doors (16,18) are attached to door jambs (32,34) which include a fire resistant core (166) and that when a fire occurs intumescent material (200) reacts to expand and burst through the jamb trim (216) allowing the intumescent material to fill and seal a clearance gap (24) to prevent smoke, heat, and flames from passing between the door jamb and door (See Sect. 0033). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Zappa to include the teachings of Harkins and include intumescent material to expand and seal the gap so that when the door frame connected by the thermally separable material of Zappa's apparatus separated and changed position the intumescent material expanded and sealed the gap to prevent fire, flames, and heat from entering.

Referring to claim 2. Zappa discloses wherein the first door frame part and the second door frame part are configured to form a labyrinth (See Fig 2).

Referring to claim 6. Zappa does not disclose wherein the first and second door frame parts are formed of different materials. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Zappa so

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that the first and second door frame parts were formed of different materials so that door frame and door could match the material of construction for aesthetic and design purposes.

Referring to claims 7-9. The methods described in these claims would inherently result from the use of Zappa's "Smoke Seal Element For Lift Doors" in view of Harkins "Fire-Resistant Wood Assemblies For Buildings" as advanced and described above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Southern (GB2309729) discloses a "Seal with Intumescent Body and Flexible Smoke Seal" that is held fast by means of adhesive material or retained within a channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571) 272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600